

ESTTA Tracking number: **ESTTA285169**

Filing date: **05/20/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Jojenco Holdings, LLC d/b/a Clintsman Financial Planning		
Entity	limited liability company	Citizenship	Texas
Address	660 N. Carroll Ave. Suite 140 Southlake, TX 76092 UNITED STATES		

Attorney information	Kay Lyn Schwartz, Lisa Hemphill Gardere Wynne Sewell LLP 1601 Elm Street Suite 3000 Dallas, TX 75201-4761 UNITED STATES ip@gardere.com, kschwartz@gardere.com, lhempfill@gardere.com Phone:214.999.4702/4682		
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Registration Subject to Cancellation

Registration No	3432936	Registration date	05/20/2008
Registrant	AJMB Holdings, LLC 711 South Carson Street, Suite 4 Carson City, NV 89701 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2008/02/04 First Use In Commerce: 2008/02/04
All goods and services in the class are cancelled, namely: Providing temporary use of a non-downloadable web-based personal financial planning software program

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78959080	Application Date	08/23/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DREAM. PLAN. ACHIEVE.		

Design Mark	DREAM. PLAN. ACHIEVE.
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2002/04/01 First Use In Commerce: 2002/04/01 financial services, namely financial planning
Attachments	78959080#TMSN.jpeg (1 page)(bytes) Clintsman Petition for Cancellation v. AJMB Holdings.pdf (4 pages)(358243 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lisa R. Hemphill/
Name	Lisa Hemphill
Date	05/20/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOJENCO HOLDINGS, LLC
DBA CLINTSMAN FINANCIAL PLANNING, LLC
Petitioner,

vs.

AJMB HOLDINGS, LLC
Respondent.

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Cancellation No. _____

In the matter of:
Registration No. 3,432,936
(Registered 06/20/2008)

PETITION FOR CANCELLATION

JOJENCO HOLDINGS LLC d/b/a Clintzman Financial Planning, LLC ("Petitioner"), a Texas limited liability company, having a principal place of business in Southlake, Texas ("Petitioner"), believes and alleges that it is being damaged by Registration No. 3,432,936 and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Upon information and belief, as evidenced by the attached EXHIBIT A, Respondent, AJMB HOLDINGS, LLC ("Respondent") is the owner of Registration 3,432,936 for DREAM. PLAN. ACHIEVE. MYOWNFINANCIALPLAN.COM and design for providing temporary use of a non-downloadable web-based personal financial planning service program in International Class 42 ("Respondent's Services").
2. Respondent made no actual use of the mark DREAM. PLAN. ACHIEVE. MY OWN FINANCIAL PLAN.COM, which is subject of the registration sought to be cancelled, prior to its constructive priority date of November 21, 2005.
3. Respondent had no use of the mark DREAM. PLAN. ACHIEVE. MY OWN FINANCIAL PLAN.COM prior to February 4, 2008.
4. Registration No. 3,432,936 is not incontestable.
5. Prior to any date of use that can be relied upon by Respondent, Petitioner commenced using the service mark DREAM. PLAN. ACHIEVE., in connection with financial services, namely, financial planning ("Petitioner's Services").
6. Petitioner has filed a federal application, Serial No. 78/959080, for its DREAM. PLAN. ACHIEVE. mark, which has been refused registration in view of Respondent's Registration No. 3,432,936, the Trademark Examiner alleging a likelihood of confusion.

7. Since Petitioner's commencement of use of its DREAM. PLAN. ACHIEVE. mark with Petitioner's Services in 2002, it has not discontinued such use.

8. Respondent's mark is nearly identical to Petitioner's DREAM. PLAN. ACHIEVE. mark, in that both marks share the words DREAM. PLAN. ACHIEVE., and the marks are almost identical in sound and commercial impression.

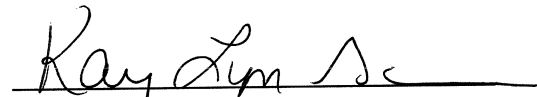
9. The use by Respondent of its DREAM. PLAN. ACHIEVE. mark for Respondent's Services is likely to create the erroneous impression that Respondent's Services originate with, are sponsored or promoted by, or are otherwise associated with Petitioner.

10. Respondent's continued registration and use of the DREAM. PLAN. ACHIEVE. MY OWN FINANCIAL PLAN.COM and design mark is likely to cause confusion, mistake or deception in the minds of prospective consumers as to the origin, sponsorship, or approval of Petitioner's Services, within the meaning of Section 2 of the Lanham Act, 15, U.S.C. §1052(d).

11. As a consequence, Respondent's Registration, No. 3,432,936 is to Petitioner's damage.

WHEREFORE, Petitioner requests that this cancellation petition be granted, and that the above-identified registration of Respondent, Registration No. 3,432,936, be cancelled.

Respectfully submitted,
JOJENCO HOLDINGS, LLC d/b/a
CLINTSMAN FINANCIAL PLANNING, LLC



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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

This is to certify that on the 20th day of May, 2009 a true and correct copy of the above and foregoing document, PETITION FOR CANCELLATION, was served on Respondent's attorney and Respondent via U.S. first class mail, postage prepaid, addressed as follows:

AJMB Holdings, LLC
711 South Carson Street, Ste 4
Carson, City, NV 89701

Christopher J. Day
Law Office of Christopher Day
301 E. Bethany Home Road, Suite A-213
Phoenix, AZ 85012


Lisa R. Hemphill

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,432,936

Registered May 20, 2008

**SERVICE MARK
PRINCIPAL REGISTER**



AJMB HOLDINGS, LLC (NEVADA LTD LIAB CO)
711 SOUTH CARSON STREET, SUITE 4
CARSON CITY, NV 89701

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "FINANCIAL PLAN.COM", APART
FROM THE MARK AS SHOWN.

FOR: PROVIDING TEMPORARY USE OF A NON-
DOWNLOADABLE WEB-BASED PERSONAL FI-
NANCIAL PLANNING SOFTWARE PROGRAM, IN
CLASS 42 (U.S. CLS. 100 AND 101).

SN 78-758,743, FILED 11-21-2005.

FIRST USE 2-4-2008; IN COMMERCE 2-4-2008.

TINA L. SNAPP, EXAMINING ATTORNEY

EXHIBIT

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